

City of Boston State Legislative Agenda
Office of Mayor Thomas M. Menino
2011-12 Session

* Indicates legislation that is new to the Mayor's agenda

GOVERNMENTAL EFFICIENCIES

***An Act to Reform Municipal Health Care – SB 1358**

<http://www.malegislature.gov/Bills/187/Senate/S01358>

This redrafted bill would allow municipalities to seek the same authority the state has to control employee health care costs, and purchase and design health plans, while giving unions a seat at the table. This legislation allows municipalities to establish a local Group Insurance Commission (GIC) with representation modeled after the State's GIC.

An Act Relative to Commercial Taxation on MBTA Property (Previously HB 2824) – HB 777

<http://www.malegislature.gov/Bills/187/House/H00777>

The bill would remove the exempt status of property for commercial purposes on MBTA land (i.e. The Dunkin Donuts at Government Center, etc).

***An Act Establishing a Regional Lockup Facility in Suffolk County – HB 2919**

<http://www.malegislature.gov/Bills/187/House/H02919>

This bill would authorize the Suffolk County Sheriff's Department to assume the responsibility of all post-booking prisoner transport and provide a regional lockup facility to hold all prisoners. The Suffolk County Sheriff's Department is more appropriately equipped to maintain safe and secure transporting, custody and control. This would result in a significant cost savings to the Boston Police Department.

***An Act Amending contract Procedures in the City of Boston (Home Rule) – SB 1054**

<http://www.malegislature.gov/Bills/187/Senate/S01054>

This Home Rule would increase the threshold for requiring Mayoral approval of contracts from \$10,000 to \$25,000. This would allow Boston's Charter to conform to the requirements set forth in M.G.L. Chapter 30B, the Uniform Procurement Act. The change will allow the City to eliminate the burdensome and costly process of executing full contractual agreements without jeopardizing controls over the procurement process.

An Act to Amend the Taxation of Telecommunications Companies (Revised SB 1322) – SB 1498

<http://www.malegislature.gov/Bills/187/Senate/S01498>

This bill, which would amend two sections of the real estate tax statute, chapter 59, relative to the taxation of telecommunications equipment, is all about fairness. This bill amends the statute to include the assessment of the switching equipment used by these companies.

An Act Relative to the Excise on the Use of Off-Street Parking Facilities (Previously SB 1323) – SB 1499

<http://www.malegislature.gov/Bills/187/Senate/S01499>

This is a common fee imposed in most every major city, but EPA parking restrictions in Boston limit supply and increase the price artificially. This bill would provide a local option for adoption of this tax.

An Act to Amend the Promotional Statute (Previously HB 3737) – HB 2974

<http://www.malegislature.gov/Bills/187/House/H02974>

This bill amends the promotional statute to clarify the requirement of one year of actual service in the lower rank of Sgt., Lt., etc. before becoming eligible for a promotion to the next rank. The recent decision in Weinburgh v. Civil Service Commission has created confusion as to what the current wording of the statute requires.

PUBLIC EDUCATION

***An Act Relative to Comprehensive Health Education (BPHC) – SB 259**

<http://www.malegislature.gov/Bills/187/Senate/S01498>

This legislation would require comprehensive health education, including sex education, to be taught in Massachusetts' public schools.

An Act Providing Opportunities for Single-Sex Schools and Classes (Previously HB 352) – HB 137

<http://www.malegislature.gov/Bills/187/House/H00137>

This bill, previously filed by the Department of Education, authorizes the establishment of single-sex schools, classes and educational programs.

***An Act to Relative to Special Education – SB 196**

<http://www.malegislature.gov/Bills/187/Senate/S00196>

The State currently calculates funding for school districts using the Ch.70 formula, which is based on a school district's enrollment and applies monetary rates to different types of students. It caps special education students in each district at 3.75% of their total population, excluding preschool (K0 and K1). This cap significantly under-represents the district's actual special ed population, which affects the BPS foundation budget by approximately \$142 million. This bill would also increase the special ed circuit-breaker reimbursement to allow the program to keep pace with the cost of services provided.

CRIME PREVENTION & PUBLIC SAFETY

***An Act to Enhance Penalties for Felons Found in Possession of a Firearm – HB 1318**

<http://www.malegislature.gov/Bills/187/House/H01318>

This bill would establish a mandatory sentence of five (5) years for possession of a firearm for any convicted felon who sentenced for a prior felony resulting in 10 or more years. This bill is modeled after federal statute, and similar penalties have been implemented in other cities to curb gun violence.

An Act to Enhance Public Safety Through the Use of Technology – SB 835

<http://www.malegislature.gov/Bills/187/Senate/S00835>

This omnibus bill would combine both new and previously filed legislation into one comprehensive technology plan including:

- The creation of an electronic database for sales of firearms and ammunition.
- The requirement that any semiautomatic firearm manufactured or delivered in the Commonwealth shall be capable of micro-stamping ammunition, a process that allows a microscopic array of identifying characters to be copied from the firing pin to the cartridge case.

- The expansion of the list of crimes for which the police can take a DNA sample, and also allowing the sample to be taken at the time the police arrest the individual.

***An Act to Protect Neighborhoods from Hazardous and Problem Properties – HB 2995**

<http://www.malegislature.gov/Bills/187/House/H02995>

The bill would significantly shorten the timeline for tax title foreclosure and limit redemption for properties that pose a substantial fire or other public safety hazard to occupants, abutters or fire personnel.

An Act to Provide Concurrent Police Authority for MassPort Properties (Prev. HB 2273) – SB 1228

<http://www.malegislature.gov/Bills/187/Senate/S01228>

This bill would provide concurrent jurisdiction on all MassPort Authority for the local law enforcement agency. Without this designation, public safety in these areas may be compromised.

An Act Relative to the Destruction of Drugs Held by Police Departments (Prev. HB 2276) – HB 2920

<http://www.malegislature.gov/Bills/187/House/H02920>

By current law, police departments are required to hold and store all drugs seized in an arrest. This results in a dangerous situation where large quantities of drugs are being stored in a warehouse and need to be guarded around the clock. To destroy the evidence, police departments must obtain an order from the District Attorney. While BPD is currently working on getting orders for much of the current stockpile of narcotics, this bill sets up a procedure for drug destruction, based on the current federal procedure and following federal evidentiary guidelines.

An Act to Enhance the Threats Statute (Previously HB 2269) – SB 1227

<http://www.malegislature.gov/Bills/187/Senate/S01227>

This would allow apprehension without a warrant of a person who makes a threat against someone else. Currently, police must obtain a warrant to make an arrest – this would allow apprehension at the scene.

An Act to Require Mandatory Post-Release Supervision and Assistance for all Offenders Released from State and County Incarceration (Previously HB 1707) – SB 858

<http://www.malegislature.gov/Bills/187/Senate/S00858>

About 40% of the offenders released from the State Prison, and almost all the offenders released from the Suffolk County House of Corrections, are returning to the streets of Boston without guidance on re-entering society. This would allow an additional tool for the state to provide additional services to those offenders who would benefit from such assistance.

An Act to Increase Access to Information on Drug Overdose Deaths (Previously HB 1787) – HB 524

<http://www.malegislature.gov/Bills/187/House/H00524>

This would require that the medical examiner, upon determination that a death was caused by a negligent act or by drugs, report that information to the local district attorney and the police department. There is currently no reporting requirement and so cases that might otherwise be able to be linked together often cannot be coordinated.

An Act to Authorize Fining or Arresting Persons Aggressively Loitering (Prev. HB 3778) – HB 2858

<http://www.malegislature.gov/Bills/187/House/H02858>

This bill authorizes the police to, at minimum, issue stiffer fines or to arrest individuals who are loitering in such a way that prevents the public from entering and exiting retail establishments.

An Act to Relative to the Law of the Road and Bicyclists (Previously HB 3321) – HB 3088

<http://www.malegislature.gov/Bills/187/House/H03088>

This bill authorizes the issuance of citations to cyclists for moving violations similar to those issued to motor vehicles.

***An Act Regarding the Certification and Training of Fire Service Personnel (Home Rule) – HB 2389**

<http://www.malegislature.gov/Bills/187/House/H02389>

This home rule petition would exempt the Boston Fire Department from dependence on the Fire Training Council for certification and would allow the Department to establish its own certification program that meets current national standards.

***An Act Relative to the Membership of the MA Board of Fire Prevention Regulations – HB 2408**

<http://www.malegislature.gov/Bills/187/House/H02408>

The bill would amend the state regulatory board charged with promulgating the Massachusetts Fire Prevention Regulations (Fire Safety Code). The board is comprised of 14 members who are appointed by the Governor for a six-year term. The legislation will change the membership of the Board of Fire Prevention Regulations by adding the Boston Fire Commissioner or his designee to the board.

HOUSING

***A Petition to Decrease Foreclosures in Boston (Home Rule) – HB 1454**

<http://www.malegislature.gov/Bills/187/House/H01454>

While the State Foreclosure bill that passed last year provides for additional time to cure a default, it does not mandate that the mortgagee/lender and the borrower/homeowner engage in mediation. This Home Rule Petition would outline a fast, cost effective procedure for mandatory mediations.

***An Act to Eliminate Homelessness – HB 2118**

<http://www.malegislature.gov/Bills/187/House/H02118>

This bill addresses the persistent issue of discharges from treatment and incarceration that result in homelessness and recidivism and removes systematic barriers to asset development and housing. Although Boston already has a homeless priority in its rental assistance programs, most other local and regional housing providers do not. As a result, an estimated 25-30% of Boston's homeless population represents individuals and families with a last known address outside of Boston. Lastly, this bill will study and pilot preference programs for public housing and voucher assistance for future implementation statewide.

An Act to Stabilize Neighborhoods (Previously HB 3608) – HB 760

<http://www.malegislature.gov/Bills/187/House/H00760>

The Neighborhood Stabilization Tax Credit will provide a modest but useful tax incentive to stimulate reinvestment in neighborhoods most impacted by foreclosures and the attendant problems of

abandonment, disinvestment and neighborhood decline. The tax credit will equal 25% of rehabilitation for owners and developers who provide a commitment to returning buildings to productive use. The bill targets credits geographically under need-based criteria and will ensure a priority for owner-occupied housing or affordable rental housing.

An Act to Enhance Public Safety in Certain Public Housing Developments (Prev. HB 3460) – HB 373

<http://www.malegislature.gov/Bills/187/House/H00373>

This would create an \$11M fund for the policing of public housing in the Commonwealth.

PUBLIC HEALTH

An Act to Amend the Commonwealth’s Drug Treatment Program to Allow for the Diversion of Low Level Offenders Under Court Supervision (Previously HB 1962) – HB 1435

<http://www.malegislature.gov/Bills/187/House/H01435>

Of the nearly 25,000 individuals in the MA state and county correctional system, 20% committed offenses related to drug use, and an additional 20% committed offenses to obtain money for drug use. This proposal offers treatment as an alternative to incarceration for non-violent drug offenders, creating greater access to treatment for addicted individuals and reducing the cost burden to taxpayers associated with incarceration and addiction-related recidivism.

***An Act Relative to the Promotion of Breastfeeding in Hospitals – HB 1478**

<http://www.malegislature.gov/Bills/187/House/H01478>

Despite the well-documented health benefits of breastfeeding for both babies and their mothers, only about half of babies in Massachusetts are breastfeeding at 6 months. This is due, in part, to a need for greater education from providers about these health benefits. This bill would direct hospitals to take steps to better promote breastfeeding and would establish a model hospital breastfeeding policy and a “breastfeeding mother’s bill of rights” for use in hospitals.

ECONOMIC DEVELOPMENT & JOB GROWTH

***An Act to Enhance Development within the Convention Center Finance District – HB 2687**

<http://www.malegislature.gov/Bills/187/House/H02687>

This bill would allow further construction and development of hotels within the Convention Center Finance District by deleting in its entirety Section 3(g) of the Acts of 1997, Chapter 152.

An Act Relative to the Licenses at Logan Airport (Previously HB 5056) – HB 99

<http://www.malegislature.gov/Bills/187/House/H00099>

The City has the authority to issue liquor licenses, but there is a cap on the number of licenses that can be issued at any one time. Currently, 13 of those licenses are issued to businesses at Logan Airport. This home rule would allow the Licensing Board to issue Restricted (non-transferable) Airport Licenses to businesses operating within passenger terminals at Logan. By treating the licenses at Logan differently, we would remove the Airport licenses from the City's cap (freeing up more licenses for the rest of the city). This would also establish a licensing system that is specific to the unique nature of the airport,

which will better address the needs and concerns of MassPort, the Boston Licensing Board, and the ABCC.

***An Act Relative to Commercial Area Revitalization – HB 89**

<http://www.malegislature.gov/Bills/187/House/H00089>

This legislation is necessary to capitalize on new financing bonds created through the American Recovery and Reinvestment Act. These Recovery Zone Facility Bonds (RZ Bonds) are similar to Empowerment Bonds -- but can only be used in designated development areas. This section will expand empowerment zones citywide so that business can utilize these federal financing tools. In many cases, we have businesses that are interested in utilizing these bonds, but may be located just a few blocks outside of a designated empowerment zone.

MUNICIPAL REVENUE

***An Act to Close the Hotel Tax Loophole – HB 1693**

<http://www.malegislature.gov/Bills/187/House/H01693>

Previously filed by DOR, this bill would allow for the taxation of hotel rooms sold online. These online resellers are currently exempt from collecting tax when selling retail.

An Act Relative to Assessing Administration (Redraft of HB 2894) – HB 781

<http://www.malegislature.gov/Bills/187/House/H00781>

This multi-section bill addresses a number of "nuts and bolts" assessing administration issues, enhancing the department's efficiency. The omnibus bill would allow the City to:

- Use the State's property valuation in cases in which the taxpayer appealed his or her property value. Currently, if the taxpayer loses their appeal, the City is not able to assess a penalty or reap the revenue from a higher amount if/when the State determines the value to be higher than the City's assessment.
- Update the boat excise amount to reflect the actual value of the boat, correcting the outdated valuation mechanism used today. This change will also prevent boat owners from renewing their registration until the owner is up-to-date on all excise bills, making the process for boat excise fall in line with the process for automobiles.

ENVIRONMENT & ENERGY

An Act Updating the Bottle Bill (Previously HB 3515/SB 1480) – HB 890

<http://www.malegislature.gov/Bills/187/House/H00890>

The bottle bill is the state's most successful and effective recycling program -- decreasing litter in our neighborhoods, while increasing recycling efforts throughout our city. This bill would expand the bottle bill to include water, sports drinks, flavored teas, juices, and other beverage containers. The proposal also reestablishes the Clean Environment Fund, using forfeited deposits to improve recycling and other environmental projects.

An Act to Establish a Groundwater Protection Tax Credit (Previously SB 1324) – SB 1500

<http://www.malegislature.gov/Bills/187/Senate/S01500>

This bill provides residential property owners with tax credits for the repair of a private sewer lateral, the installation of an innovative groundwater recharge system, or the inspection or repair of wood pilings used to support the foundation of the property.

An Act to Promote Solar Hot Water Installations (Previously HB 3084) – HB 864

<http://www.malegislature.gov/Bills/187/House/H00864>

There are many more applications for solar thermal systems than the current code provides for, thus precluding a wide range of applications for solar thermal technologies (such as domestic hot water, swimming pool heating, space heating, and industrial process heat). This bill would clarify the regulation of Solar Hot Water Installations to capture the full array of applications while reducing costs and operating limitations.

An Act Promoting Home Energy Efficiency Audits as a Benefit of Employment (Previously SB 1274) – SB 1426/HB 2993

<http://www.malegislature.gov/Bills/187/Senate/S01426>

<http://www.malegislature.gov/Bills/187/House/H02993>

Alternative energy installations are afforded a tax deduction. This bill would provide corporate tax expenditures for corporations that offer energy efficiency audits as a benefit of employment.

An Act Exempting Towns from Certain Fees (Previously HB 847) – HB 269

<http://www.malegislature.gov/Bills/187/House/H00269>

This bill would exempt municipalities and municipal authorities from Department of Environmental Protection compliance fees. Boston and other municipalities currently must pay fines and fees for failure to meet DEP timelines on contaminated properties acquired by the City through tax title foreclosure. This is a disincentive to responsible municipal action. The state currently exempts its own agencies from these fees.

TRANSPORTATION & INFRASTRUCTURE

An Act Permitting the Use of Traffic Control Signal Violation Monitoring System Devices As a Means of Promoting Traffic Safety in the Commonwealth – Red Light Cameras (Prev. HB 3640) – HB 918

<http://www.malegislature.gov/Bills/187/House/H00918>

This law authorizes cameras to capture vehicles that disregard traffic control signals and blocking intersections.

An Act to Promote School Zone Safety (Previously HB 3638) – HB 917

<http://www.malegislature.gov/Bills/187/House/H00917>

This legislation would enable vehicles equipped with cameras to measure speed violations within school zones and when the STOP arm on a school bus is deployed. Cameras would capture violations for vehicles that do not stop when a bus is picking up or dropping off children, and if a vehicle goes faster than the posted limit of 20MPH during set times.

***An Act Relative to Mutual Aid for Roadway Reconstruction – SB 1013**

<http://www.malegislature.gov/Bills/187/Senate/S01013>

This bill would allow cities or towns to provide mutual aid for roadway reconstruction in each others' cities. These mutual aid agreements amongst cities are regularly used for Police, Fire and EMS, but may be very beneficial for regional infrastructure projects.

An Act Relative to the Speed Limit in Cities and Towns (Previously HB 3267) – HB 1808

<http://www.malegislature.gov/Bills/187/House/H01808>

This legislation would reduce the speed limit in thickly settled areas and in business districts from the current level of 30 miles per hour to 25 miles per hour.

An Act to Amend the Fine for Failing to Obtain, Renew or Violating the Terms of a License to Operate an Open-Air Parking Lot (Previously HB 2006) – SB 1052

<http://www.malegislature.gov/Bills/187/Senate/S01052>

This legislation will allow the Off-Street Parking Facilities Board to better enforce its open-air lot license requirements. Lot owners will have a greater incentive to comply with the terms of their licenses, as well as to renew their licenses in a timely manner each year. This would increase the fine from \$300 to \$1000.

An Act Relative to Assault and Battery upon Public Employees (Previously HB 1713) – HB 1362

<http://www.malegislature.gov/Bills/187/House/H01362>

After a number of assaults on parking enforcement officers, this issue emerged as a problem because the City could not aggressively pursue action against the offenders. This bill seeks an increase in the maximum term of imprisonment to not less than 180 days or more than 5 years in a House of Correction, with a fine to not less than \$1000 or more than \$10,000.

An Act Relative to Noncriminal Disposition of Parking Violations (Previously SB 1954) – HB 1779

<http://www.malegislature.gov/Bills/187/House/H01779>

This bill allows the Parking Clerk to notify the RMV if persons obtain 5 or more parking violation notices, and fail to appear in accordance with these notices. The RMV then places the matter on record and shall suspend, without a hearing, the persons license to operate a motor vehicle in the Commonwealth.

Home Rules to be Filed in the Council (Passage Pending)

An Act to Reform Charter School Transportation

Students attending charter schools in Boston have access to broader transportation services and, as a result, more choice than students attending the Boston Public Schools. Charter school students have access to citywide transportation, while Boston Public Schools elementary and middle school students have access to zone-based transportation. This bill would ensure that charter school students receive the same zone-based transportation that district students do. This proposal would save approximately \$720,000, and would level the playing field for charter schools and district schools.

An Act to Reform the Tregor Reserve requirement

Proper financial analysis requires reversing the Tregor requirement. This allows for greater control of spending and more accurate projections for future year budgetary requirements at a school and department level. The current Tregor requirement does not allow for an easy comparison of current budgets to historical spending and future year budget projections. This change would lead to significantly greater transparency and understanding of school budget processes by school communities, policy makers and broader stakeholders.

An Act Relative to the Storage Fee for Towing

This bill would amend outdated an outdated special act (from 1929) and increase the storage fee for all towed vehicles in Boston. Currently BTD can only charge a maximum of \$15.00 per day, while the State's Division of Transportation Oversight allows a maximum of \$30.00 per day for all other municipalities.

An Act to Fulfill the Promise of Home Rule

To fulfill the promise of the Massachusetts Constitution's grant of home rule, this special act ensures that the city of Boston may exercise powers of local self government that are as strong as those of any municipality in the nation.

An Relative to the Filing Deadline for Residential and Personal Exemptions

This special act clarifies the filing deadline for residential exemptions and personal exemptions. There is now some confusion around the deadline, and this bill would define the deadline as either April 1st OR three (3) months from the mailing of the 3rd quarter bill (which ever date falls later).

An Act Relative to Cooperative Data Sharing

This legislation would require the MA Department of Public Health to provide public health data to the Boston Public Health Commission.